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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
Eastern DIVISION

4:19-cv-00631-JCH

Plaintiff(s), Wanda W. Sams

v.

Express Scripts, Inc

Case No. _____
(to be assigned by Clerk of District Court)

JURY TRIAL DEMANDED

YES ☒ NO ☐

Defendant(s). (Enter above the full name(s)
of all defendants in this lawsuit. Please
attach additional sheets if necessary.)

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):

X Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

_____ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).
NOTE: *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

_____ Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.
NOTE: *In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

____ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, *et seq.*, for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

NOTE: *In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.*

____ Other (Describe)

PARTIES

2. Plaintiff's name: Wanda W. Sams

Plaintiff's address: 4319 Washington Blvd
Street address or P.O. Box

St. Louis, MO 63108
City/ County/ State/Zip Code

314-369-7267
Area code and telephone number

3. Defendant's name: Express Scripts Inc

Defendant's address: One Express Way
Street address or P.O. Box

St. Louis, MO 63121
City/County/State/ Zip Code

800-282-2881
Area code and telephone number

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

June 1, 2018 > August 15, 2018

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

☐ Yes Date filed: _____

☒ No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes Date filed: February 5, 2019

☐ No

8. Have you received a Notice of Right-to-Sue Letter?

☒ Yes

☐ No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

____ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

X fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):

☐ failure to hire me

☒ termination of my employment

☐ failure to promote me

☐ failure to accommodate my disability

☐ terms and conditions of my employment differ from those of similar employees

☐ retaliation

☐ harassment

☐ other conduct (specify):

Did you complain about this same conduct in your charge of discrimination?

☒ Yes

☐ No

11. I believe that I was discriminated against because of my (check all that apply):

☒ race

☐ religion

☐ national origin

☐ color

☐ gender

☐ disability

☒ age (birth year is: 1962)

☐ other:

Did you state the same reason(s) in your charge of discrimination?

☒ Yes

☐ No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

I am an African American individual whose date of birth is XXX, X, 1962. I was hired by Express Scripts, Inc on or around April 23, 2012 as a Senior Project Manager in the Client Services Testing Department. I had excellent performance throughout my career. I was promoted into the Project Management Project Planning Group on February of 2018. My new Supervisor in that role was Brian Hogg. His Supervisor was Jim Cunningham and the Human Resource representative was Donna Hayes.

- 1) I learned that my job as a Senior Project Manager in the Testing Department would be eliminated at the end of 2018 and my then Director, Steve Shouts, encouraged me to apply for a Project Manager position in the Strategy and Transformation Department;
- 2) After successful interviews, I was hired into this Department and began work there in February of 2018;
- 3) On or around June 2018, without warning and without any previous discussion about my performance, I was suddenly put on a 90-day Performance improvement Plan. This was only four months into my new role;
- 4) I continued to meet the goals of this Performance Improvement plan, but, nevertheless, 43 days later, on August 15, 2018, I was terminated. I still had 47 days to go on the plan and had not been told that I was not meeting the plan's goals having previously provided detailed performance updates on meeting the Performance Improvement plan guidelines.
- 5) I was the only African American and the oldest professional employee in the Department at the time. This is discrimination due to my race and age.

(Continue to page 6, if additional space is needed.)

(Attach additional sheets as necessary).

13. The acts set forth in paragraph 12 of this complaint:

☐ are still being committed by the defendant.

☐ are no longer being committed by the defendant.

☒ may still be being committed by the defendant.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments;

cite no cases or statutes.

I would like the following two concessions be made in regards to my prior employment with Express Scripts, Inc:

1. I ask that the company provide a "good" or "neutral " response when contacted by potential employers on my behalf for references. If the question is posed, Would you rehire the employee? The response could be -Wanda Sams would be allowed to apply for open positions within ESI and be considered with the pool of candidates.

2. As I go through this completely unexpected transition and loss of income, I would like to request/receive 6 months salary of severance pay , \$49,432.69. I am well aware of individuals that have been fired having been on a PIP and receiving severance commensurate to their years of service with ESI.

14. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 21st day of March, 2019.

Signature of Plaintiff *Harold H. Jones*